

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SARA ELAINE BAILEY,

Defendant.

8:17CR61

ORDER

This matter is before the Court on defendant Sara Elaine Bailey's ("Bailey") Motion to Reconsider (Filing No. 47) the Memorandum and Order (Filing No. 46) denying Bailey's Motion to Suppress (Filing No. 25).

Bailey makes two arguments in her Motion. First, Bailey reiterates her previous stance that the Court must review for clear error and "certainly cannot substitute its own opinion for that of the Magistrate." Bailey is wrong. By statute, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(2)(C). Additionally, "[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*

Second, Bailey argues that a police officer has no authority to perform a check of a driver's criminal history during a traffic stop. That argument is likewise without merit. "An officer may complete routine tasks during a traffic stop, which 'can include a computerized check of the vehicle's registration and the driver's license *and criminal history*, as well as the preparation of a citation or warning.'" *United States v. Fuehrer*, 844 F.3d 767, 772 (8th Cir. 2016) (emphasis added) (quoting *United States v. Quintero-Felix*, 714 F.3d 563, 567 (8th Cir. 2013)).

Bailey's Motion to Reconsider (Filing No. 47) is denied.

IT IS SO ORDERED.

Dated this 29th day of August, 2017.

BY THE COURT:

s/ Robert F. Rossiter, Jr.
United States District Judge